



FREDERICK COUNTY PLANNING COMMISSION
November 9, 2011

TITLE: **Westwinds, Section VI, Lot 601**

FILE NUMBER: **SP 90-12 (AP# 12117, APFO 12118, FRO 12119)**

REQUEST: **Combined Preliminary/ Final Site Plan**
Requesting re-approval for 73-market rate townhouse on 26.55 acres.

PROJECT INFORMATION:

LOCATION: Located at the terminus of Country Club Road in the Lake Linganore PUD

ZONE: Planned Unit Development (PUD)

REGION: New Market

WATER/SEWER: W-1 Dev. / S-1 Dev.

COMP. PLAN/LAND USE: PUD

APPLICANT/REPRESENTATIVES: (as applicable)

APPLICANT: Tyler-Donagan Real Estate, c/o Brian Duncan

OWNER: Tyler-Donagan Real Estate, c/o Brian Duncan

ENGINEER: Piedmont Design Group, LLC.

ARCHITECT: Not Listed

ATTORNEY: Not Listed

STAFF: Tolson DeSa, Principal Development Review Planner

RECOMMENDATION: **Conditional Approval**

Enclosures:

Exhibit #1: Site Plan
Exhibit #2: Parking Space count modification statement

STAFF REPORT

BACKGROUND

On October 13, 1999 the Frederick County Planning Commission (FcPc) approved a preliminary plan for 163 condominium units on Lot 601. On August 8, 2000, Lot 601 was recorded.

A site plan for Lot 601 was conditionally approved for 77 condominium units at the February 13, 2002 FcPc meeting. The site plan was valid until February 13, 2004 and was then granted a one-time six (6) month extension through August 13, 2004. This site plan expired.

The Applicant submitted a new site plan proposing 73 condominium units and received conditional approval from the FcPc at their February 9, 2005 meeting. This site plan was valid until February 9, 2007. The FcPc added eight (8) conditions to this approval:

1. Continue to address all agency comments through the completion of this project.
2. Record a condominium plat for Lot # 601 to match the site plan condominium layout approval granted by the Planning Commission.
3. Prior to site plan final approval and signature the floodplain soil setback issues with the Creekview Court cul-de-sac shall be resolved as described in the site plan agenda notes or certification provided that no floodplain soils exist in the area of the cul-de-sac.
4. The HOA covenants for fencing and decking will be given to the Planning Department so they may be placed in the project file prior to final site plan approval and signature.
5. Prepare and submit the Condominium Document for review and approval by DUSWM. Water and sewer requirements must be detailed in the documents.
6. Complete FRO requirements.
7. Provide a tot lot or two with appropriate fencing, having the agreement that the HOA will accept the maintenance.
8. Provide gas lights which will allow shut off during the day and gain approval from HOA to allow the light to be shut off when not needed.

Development Review Planning and the Zoning Administrator denied a request for a six (6) month extension and the site plan expired. Before the site plan expired, many of the 2005 conditions were met.

In accordance with Section 1-19-3.300(B) the Applicant submitted a request for a one-time six month site plan extension on October 15, 2008. In a letter dated November 6, 2008 was sent to the Applicant from DPDR Staff detailing the review of the County project file activity. The letter explained that mylars for Improvement Plans appear to have been ready for signature since July 2007. No other file activity had occurred since then, except for the extension request. Due to the lack of file activity Staff determined that the Applicant did not demonstrate good cause for an extension.

On February 5, 2007, the Applicant submitted the combined site plan application for FcPc review and re-approval. This plan was identical to the site plan conditionally approved on February 9, 2005. The February 9, 2005 site plan was re-approved by FCPC during the meeting on April 11, 2007.

During the April 11, 2007, conditional approval the FCPC added six (6) conditions to the approval.

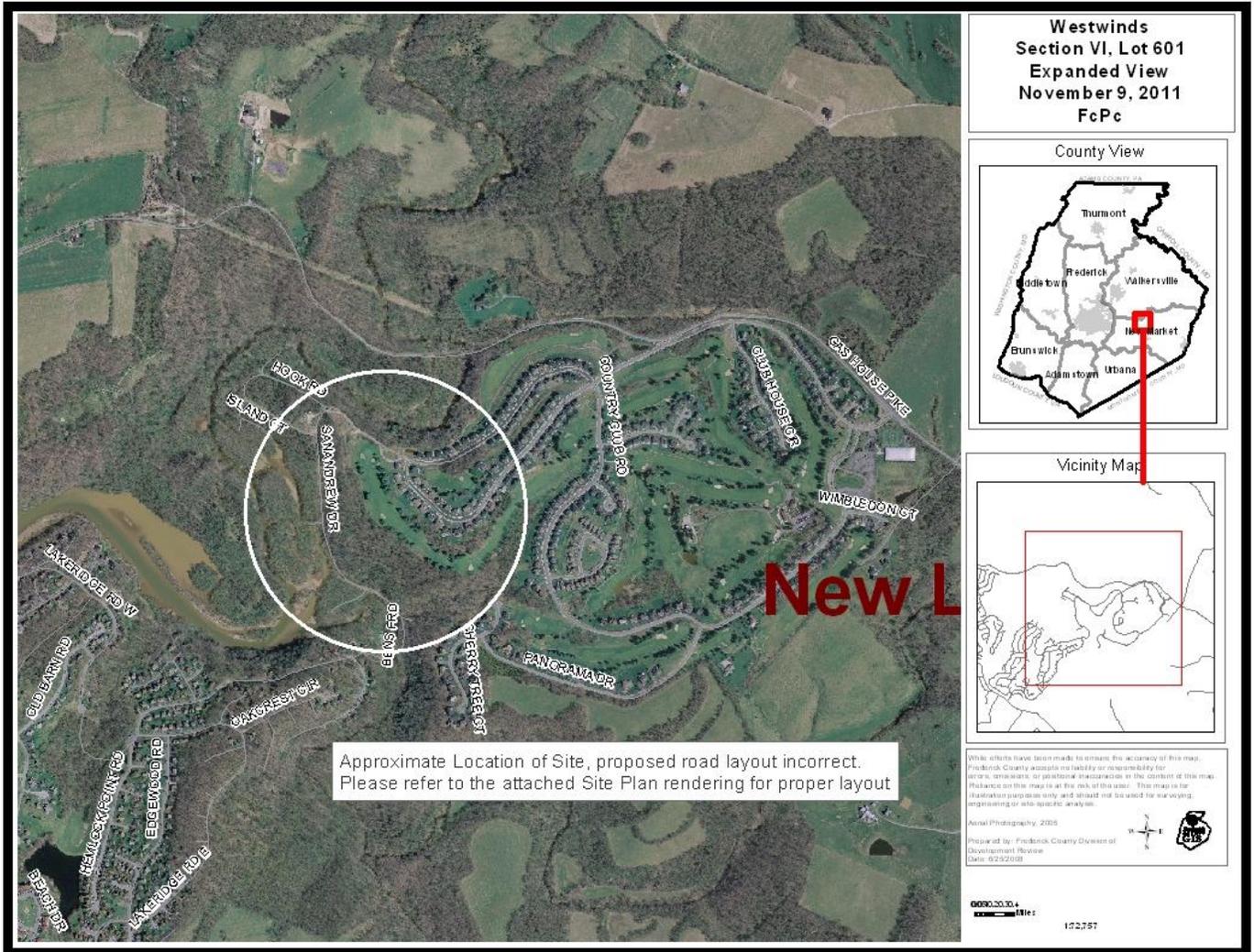
1. Applicant shall continue to address all agency comments through the completion of this project.
2. The Applicant shall add the letter from the WECC regarding lighting to the site plan and revise note number 21 on the site plan to reflect the changed lighting style. Lighting details, including height, shall be added to the site plan.
3. The Applicant shall add the location and details of the community identification sign to the site plan.
4. All Forest easements shall be recorded prior to site plan approval.
5. A Final Condominium Plat and associated legal documents must be reviewed, approved, and recorded prior to sale or transfer of dwelling units.
6. If the FCPC feel that tot lots are desirable, Staff recommends that a tot lot be added and a note added to the plan that it is to be maintained by the Condominium Association in lieu of the Westwinds HOA.

This site plan was set to expire on April 11, 2009. In anticipation of the upcoming expiration date the applicant resubmitted the previously approved 73-unit condominium proposal with all of the previous conditions addressed to the FCPC and received conditional approval on March 11, 2009.

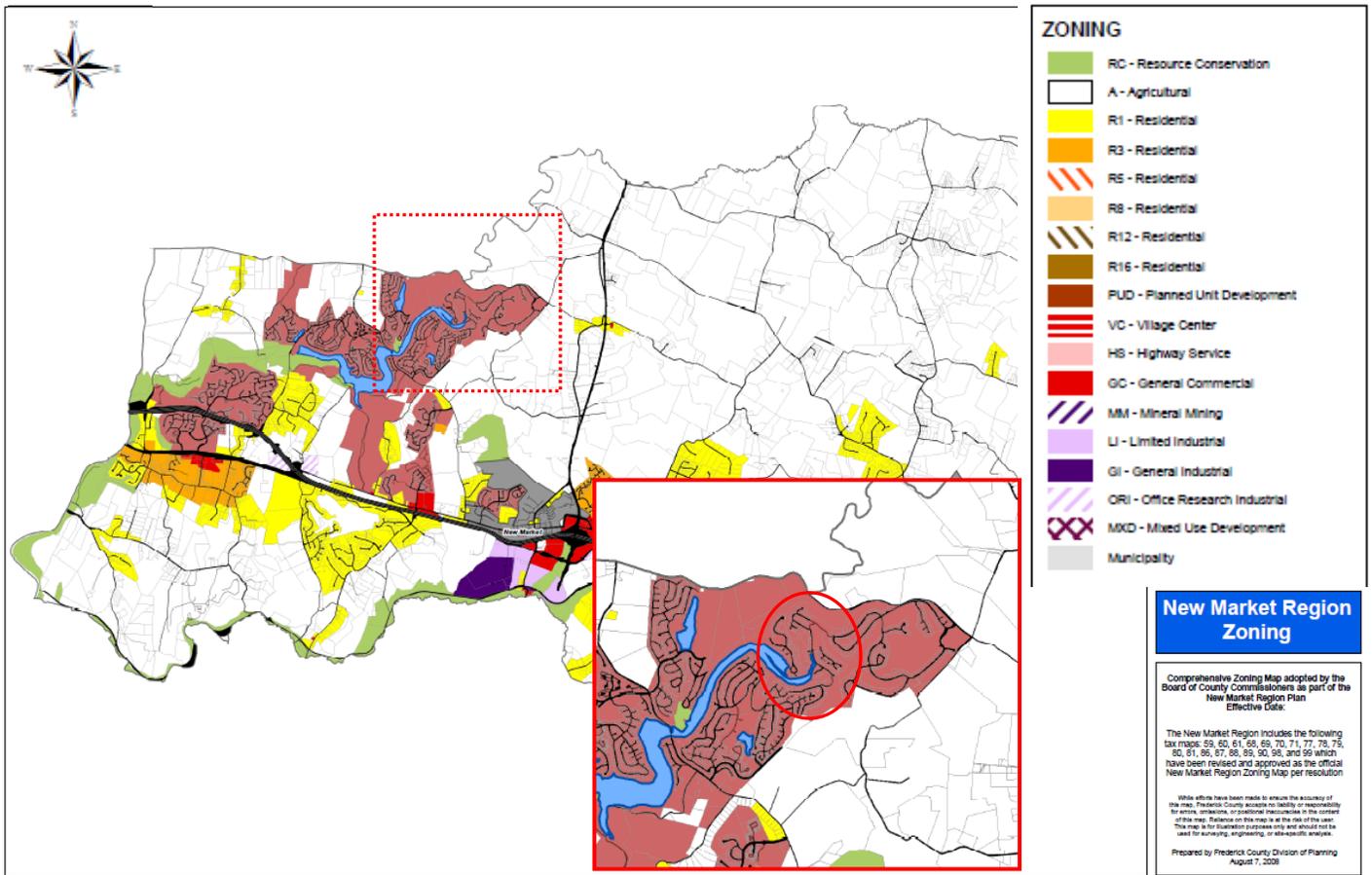
The Applicant is now submitting the same 73-unit site plan, although instead of condominium units on one lot the site will consist of 73 lots each containing a fee-simple market rate townhouse. The preliminary final site plan is remaining the same with the exception of adding 104 parking spaces from the previously approved preliminary final site plan. With the exception of an increase in parking, this plan does not propose any changes to the density, design, or layout from the originally approved site plan.

SITE PLAN ANALYSIS

Land Use: The proposed townhouse use is permitted in the PUD zone subject to preliminary final site plan approval. The project will be completed in two phases. Phase I will consist of 51 units, with the balance of 22 units being built in Phase II.



Zoning: The site is located within the Planned Unit Development (PUD) Zoning District, shown in dark red. The adjacent zoning districts are Agricultural (AG), shown in white, and PUD.



**Street layout on map above may not reflect proposed plan.*

Bulk Standards: Section 1-19-10.700.2(c)(1)(a) and 1-19-10.700.2(c)(3) of the Zoning Ordinance stipulates the setback requirements for the proposed use. The standard requirements for the setbacks in the PUD zone are a 25-foot front and rear yard and an eight (8) foot side yard. Section 1-19-10.700.2(c)(3) states setbacks and height limitations for structures over three (3) stories, or 30 feet, shall be determined by the Planning Commission with site plan approval.

The site plan illustrates that the setbacks from the property lines will be met. The site plan documents that there will be a minimum front yard of 18 feet between the front of the structures and the face of curb and a minimum of 20-foot rear-yard setback, with 0 foot side yards. There will be a minimum 23-foot setback from the face of garage to back of sidewalk.

The Applicant is proposing a cathedral roof option with the different unit types being offered. Sheet 6 of the site plan shows the building elevations and height dimensions. The height of the structures (measured from average finished grade to the midpoint of the roof) will vary between 30 feet - 8 1/2 inches to 35 feet - 3 1/4 inches.

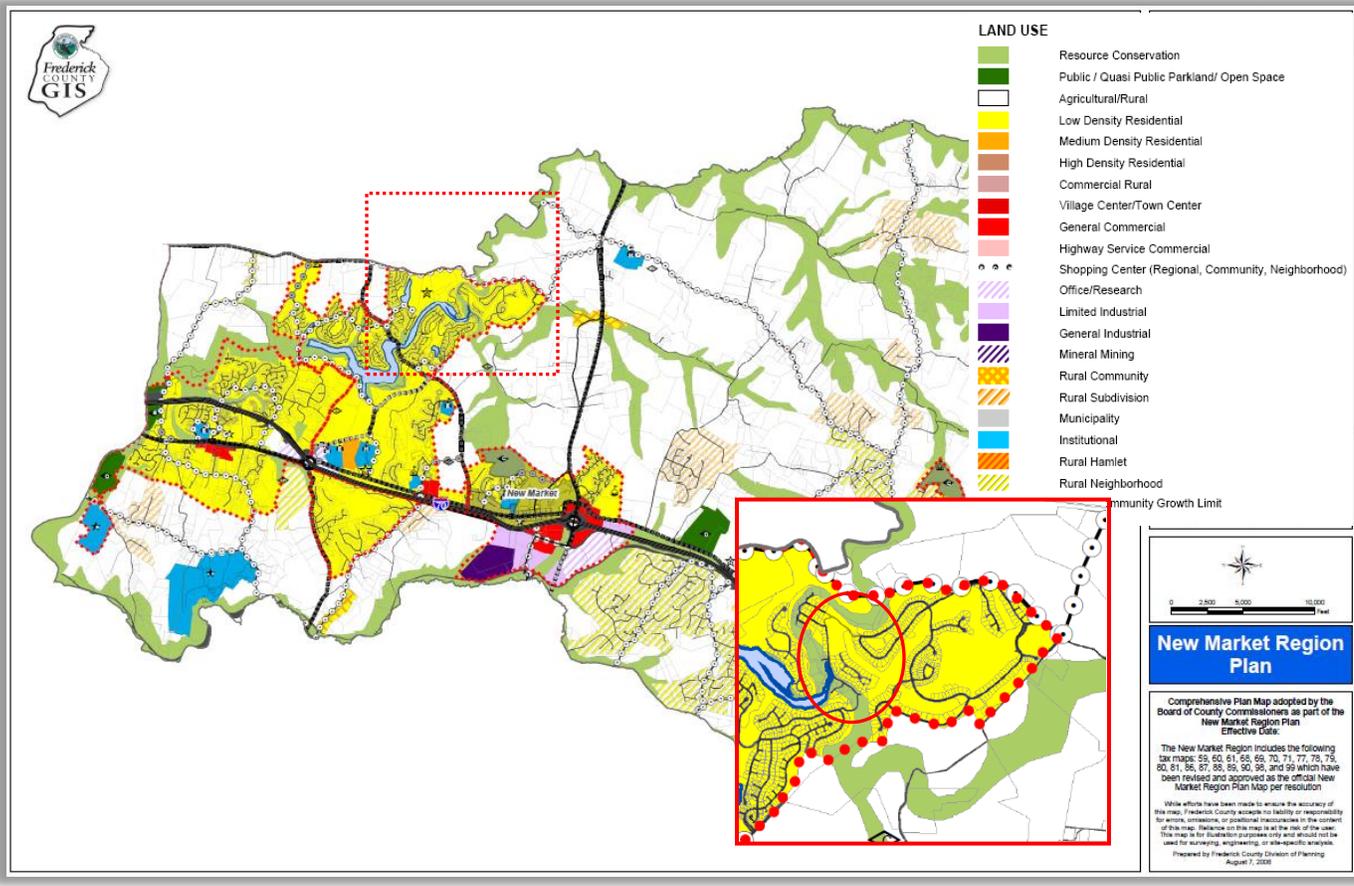
In April 2007 the FcPc granted a height modification to allow a height of up to 40 feet. The Applicant is requesting that a height modification be granted up to 46'-4" on this application.

Woodland Preserve at Westwinds, Section VI, Lot 601

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Frederick County Comprehensive Plan: New Market Region



**Street layout on map above may not reflect proposed plan.*

The Frederick County Comprehensive Plan indicates that the land use for the Westwinds, Section VI, Lot 601 subdivision is Low Density Residential, shown in yellow above. Resource Conservation and Agricultural uses surround the site, with adjacent Low Density Residential land uses to the west. The use proposed for Westwinds, Lot 601 complies with the Land Use designation within the County Comprehensive Plan.

Access/ Circulation: In accordance with Subdivision Code Section 1-16-236.K “The length of cul-de-sac or dead end streets in residential portions of developments in floating zones will vary based on the density in the development section or land bay.” The proposed roadway was laid out as part of the Phase II PUD Plan which was approved on June 15, 1999. The plan proposes Country Club Road will be extended into Lot 601 and terminate at a rotary. Creekview Court and Country Club Terrace intersect at this rotary and provide access to the townhouses. Both streets will have a 24-foot wide pavement section with curb, gutter, sidewalks and crosswalks. All streets are private streets owned and maintained by the Homeowners Association. This plan does not propose any changes to the density, design, or layout from the originally approved site plan.

Public Transit: This site is not served by Transit.

Parking: Section 1-19-6.200 through 1-19-6.230 of the Zoning Ordinance stipulates the required number of parking spaces. 256 spaces are required; 360 parking spaces are delineated on the site plan. A parking calculation chart is provided on sheet 1 of the site plan. The Applicant is requesting a parking space modification request for permit 104 parking spaces over the target number of 256. The Applicant has provided a modification justification statement, which is attached as Exhibit #2.

Landscaping: Proposed landscaping is shown on the plan and is consistent with County standards. The Division of Utilities and Solid Waste Management (DUSWM) is requiring some minor shifting of selected street trees to prevent root damage to a water line and a fire hydrant. The Applicant is proposing a mixed species buffer consisting of canopy, flowering and evergreen trees.

Utilities: Public water and sewer will service the site. DUSWM has conditionally approved the site plan with only a few minor drafting issues to be resolved.

Lighting: The Westwinds Environmental Control Committee (WECC) prefers to have identical metal fixtures throughout Sections 5 and 6. These lights would be electric, low wattage, and have a bulb with a flame like appearance. The WECC also noted that these lights have either a photocell timer or a single master timer to ensure that lights will operate from dusk to dawn (See Lighting note on Title Sheet). Lighting details are provided on Sheet 6 of 10, the lighting standards are proposed to be 7 feet tall.

Signage: The Applicant is proposing a six (6) foot tall by fifteen (15) foot community identification sign with landscaping at the entrance to the proposed development. (See sheet 4 of 10 for detail)

Adequate Public Facilities Ordinance (APFO): The Westwinds Phase II Plan received an extension to their APFO approval in November 1997 to allow the developer until August 9, 2000 to record all the lots. Since Lot 601 was recorded prior to this date, Lot 601 has APFO approval for development of up to 163 residential dwelling units. Therefore, the proposed 73-unit townhouse condominium project complies with the requirements of the APFO. The remaining dwelling unit allowance of 90 units (163-73) is tied specifically to Lot 601 and is not eligible for transfer within the Lake Linganore PUD or the County. (See Site Plan note #28)

Forest Resource Ordinance (FRO): The Final Forest Conservation Plan was approved on December 6, 2006. Easements are being placed over 8.98 acres of forest along Linganore Creek. All forest easements have been recorded as Liber 6604, Folio 249, under FRO AP#5575.

OTHER AGENCY COMMENTS

<i>Other Agency or Ordinance Requirements</i>	<i>Comment</i>
<i>Development Review Engineering (DRE):</i>	Approved
<i>Development Review Planning:</i>	A few minor drafting issues noted in Hansen, in addition to items listed in the report.
<i>State Highway Administration (SHA):</i>	N/A.
<i>Div. of Utilities and Solid Waste Mngt. (DUSWM):</i>	Approved

<i>Other Agency or Ordinance Requirements</i>	<i>Comment</i>
<i>Health Dept.</i>	Conditionally Approved
<i>Office of Life Safety</i>	Approved
<i>DPDR Traffic Engineering</i>	Approved.
<i>Historic Preservation</i>	N/A.

Findings: Based upon the discussions in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, Subdivision, APFO, and FRO requirements once all Staff and agency comments and conditions are complied with or mitigated. Staff has no objection to conditional approval of the site plan.

Recommendations: Should the FcPc approve this Combined Preliminary/Final Site Plan (SP#90-12, AP 12117) for the 73 proposed townhouse, Staff recommends that the FcPc include the following in the motion for approval:

1. Approval of the building height modification request to allow a height of up to 46'-4" feet.
2. Approval of setback modification requests to permit the following:
 - a. 18' front-yard setback
 - b. 0' interior, 6' side-yard setback
 - c. 20' rear-yard
 - d. 23' Garage face to back of sidewalk
3. Site plan approval for a period of no longer than three years from today's date.
4. Parking space modification request 1-19-6.220.A.4

Staff recommends that the following items be added as conditions of approval:

1. Applicant shall continue to address all agency comments through the completion of this project.





October 25, 2011

Mr. Tolson DeSa, Planning-Principal Planner 1
Frederick County Department of Planning & Development Review
30 North Market Street
Frederick, MD 21701

Re: Westwinds Section VI, Lot 601, Woodlands Preserve at Westwinds
Combined Preliminary Plan/Site Plan
(County Nos. SP 90-12 & A/P #8984, APFO #8986, FRO #8987)
Parking Modification Request

Dear Mr. DeSa:

On behalf of Tyler-Wormald Westwinds, LLC, and in accordance with the Zoning Ordinance, §1-19-10-500.9 (D) (1) we are requesting the Planning Commissions consideration and approval to modify the parking requirements for the above, to permit additional parking spaces.

Per the Zoning Ordinance, §1-19-10-500.9 (A) (1) & §1-19-6.220 (A) (4), we have provided parking based on the townhouse units containing 4 bedrooms with an option for a 5th bedroom. Therefore, the required parking is 3.5 spaces per unit x 73 units = 256 spaces.

Based on the unit design and layout, each townhome will have a 2-car garage, and a minimum 18' wide x 23' long exterior driveway parking space (with no encroachment into the sidewalks). With these dimensions, we have provided 4 spaces per unit x 73 units = 292 spaces on the lot. In addition to the on-lot parking spaces, we have included 23 perpendicular 9'x18' and 45 parallel 8'x22' exterior parking spaces for a total of 68. Therefore the total parking provided is 360 spaces, resulting in a surplus of 104 parking spaces.

This modification will provide desirable parking for visitors and resident's events. In addition, the revised parallel parking spaces design is sensitive to the adjacent steep slopes and environmental stormwater management needs since it reduced the grading impacts and impervious areas from the previous design that had only perpendicular spaces throughout.

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If you have any questions or require additional information, please feel free to and call me at (301) 695-6614 x204 or email me mike.wiley@wormald.com.

Sincerely,
PIEDMONT DESIGN GROUP, LLC

A handwritten signature in blue ink that reads "M Wiley". The signature is fluid and cursive, with the first name "M" being particularly prominent.

Michael T. Wiley, PE, Prof LS
Vice President

Encl.

MTW/lms

cc: Ed Wormald
Fred Eisenhart
Chad Tyler
Brian Duncan
Jeff Matthai, PE
File: WW – 2.1.1/2.2.1/6.1.3/6.1.4
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